

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA  
TULSA DIVISION**

<b>1. Beaver Smith,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	
<b>1. Ardent Health Services /</b>	)	<b>Civil Action No.: 15-CV-47-GKF-TLW</b>
<b>Hillcrest Medical Center</b>	)	
	)	
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

Defendant AHS Hillcrest Medical Center, LLC, incorrectly identified in the Complaint as Ardent Health Services / Hillcrest Medical Center (“Defendant” or “Hillcrest”) respectfully submits this Notice of Removal to the United States District Court for the Northern District of Oklahoma, Tulsa Division. In support of Removal, Defendant states the following:

1. On or about December 22, 2014 Plaintiff Beaver Smith (“Smith” or “Plaintiff”) filed a civil action against Defendant in and for Tulsa County, Oklahoma, Case No. CJ-2014-04878.

2. On January 13, 2015, Defendant was improperly served with the Summons and Complaint through certified mail to Defendant’s counsel. Notwithstanding the improper service and in an abundance of caution, Defendant is filing this Notice of Removal within 30 days of receipt of a “paper from which it may be first ascertained that the case is one which is or has become removable” as required by 28 U.S.C. § 1446(b)(3). Pursuant to Local Rule 81.2, copies of the docket sheet and all documents filed or served on Hillcrest are attached as Exhibit A.

3. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because one or more of Plaintiff’s claims arise under the Constitution, laws, or treaties of the

United States. Specifically, Plaintiff asserts claims arising under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, *et seq.* and the Family Medical Leave Act (“FMLA”), 29 U.S.C. § 2615, *et seq.* Accordingly, this action is properly removed to this Court pursuant to 28 U.S.C. § 1441(b).

4. A copy of this Notice of Removal is being filed with the Clerk of the District Court in and for Tulsa County, Oklahoma, and a copy is being served on Plaintiff as required by 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit B.

WHEREFORE, having fully complied with all requirements for removal of this action, Defendant requests that the action now pending in the District Court in and for Tulsa County, Oklahoma, be removed to the United States District Court for the Northern District of Oklahoma, Tulsa Division.

Respectfully submitted this 30<sup>th</sup> day of January 2015.

s/ Steven Lance Freije  
Steven Lance Freije, OBA #18559  
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**COUNSEL FOR DEFENDANT**

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**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing Defendant's Notice of Removal has been served upon the following parties via U.S. Mail:

Robert S. Denton  
THE DENTON LAW FIRM PLLC  
320 S. Boston Ave., Ste. 1030  
Tulsa, OK 74103

This 30<sup>th</sup> day of January, 2015.

s/Steven Lance Freije  
Counsel for Defendant